

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

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**DOCKET NUMBER  
05 11011-MLW**

**MARJORIE HYPPOLITE,**  
PLAINTIFF

V.

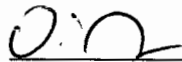
**ELECTRONIC DATA SYSTEMS**  
**CORPORATION**  
DEFENDANT

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**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR COSTS**

Now comes Plaintiff in the above entitled matter and respectfully requests that this Honorable Court deny Defendant's Motion for costs. In support thereof, Plaintiff relies on the attached memorandum and affidavit of counsel.

By Plaintiff's Attorney,



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**PLAINTIFF'S MEMORANDUM IN SUPPORT OF OPPOSITION TO DEFENDANT'S  
MOTION FOR COSTS**

**FACTS**

On September 7, 2005 Defendant served Requests for the Production of Documents on Plaintiff. On or about December 6, 2005, Plaintiff responded to this request, with the expectation that the documents would be produced shortly thereafter. The following day, Plaintiff indicated that she would attempt to locate the responsive documents, which were produced on December 26, 2005.

**ARGUMENT**

Defendant has not been prejudiced by the filing of the document responses.

Although Defendant claims that it was prejudiced by the submission of the documents, it has not demonstrated any prejudice. The documents that were produced were tax forms and information regarding unemployment benefits that the Plaintiff received. Defendant inquired about these matters at Plaintiff's deposition and did not need the documents to substantiate Plaintiff's claims.

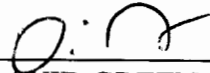
Defendant's motion to compel documents is moot

As Plaintiff has already produced the requested documents, there is no need for the motion to go forward. Indeed, Defendant has already agreed to remove the Motion to Compel and is still seeking costs for a motion that was unnecessary. Defendant's counsel also attempts to be overbilling on the motion, as it does not seem likely that the Motion to Compel Production of Documents and supporting Memorandum took 5.25 hours to prepare the pleadings, which were fact based. There is no research and no case law for the Motion. The pleadings are merely a recitation of the facts, with attached documents. It is hardly plausible that such work would require 5.25 hours worth of time.

**CONCLUSION**

For the foregoing reasons, Plaintiff requests that Defendant's Motion for Costs be denied.

By Plaintiff's Attorney,

  
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